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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,878	02/22/2002	Paul Trevithick	CAP-001	9151
21323	7590	04/01/2005	EXAMINER	
TESTA, HURWITZ & THIBEAULT, LLP HIGH STREET TOWER 125 HIGH STREET BOSTON, MA 02110			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/080,878

Applicant(s)

TREVITHICK ET AL.

Examiner

Jungwon Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 12 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/22/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-27 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvitz et al. (2003/0046421), hereinafter referred to as Horvitz.

4. As to claims 1 and 15, Horvitz discloses the invention as claimed, including a method of characterizing relationships among members of a social network (structural relationship between the user and the sender; page 2, [0015]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]), the method comprising the steps of:

receiving a plurality of messages (34, fig. 1) communicated during a dialogue

between members of a social network (receiving a plurality of message 34; page 4, [0064]-[0065]);

determining a purpose for each of the messages (messages are saved, copied or forwarded; page 5, [0071]; page 9, [0095], lines 18-19; Meeting and Coordination Information, page 13, [0159]; Questions, page 13, [0173]; page 13, [0174]-[0210]; page 14, [0212]-[0223]; messages are read first, and lower-priority messages are reviewed later, and/or deleted; page 14, [0225]);

determining at least one pattern in the messages communicated during the dialogue (monitoring keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted; page 5, [0071]); and

characterizing the relationships among the members of the social network based on the pattern and purposes of the messages (structural relationship between the user and the sender; page 2, [0015]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]).

5. As to claim 2, Horvitz discloses selecting one of a plurality of purpose categories; and embedding indicia of the selected purpose category in at least one of the plurality of messages (Information in a Message Header, page 12, [0126]-[0131]; Meeting and Coordination Information, page 13, [0159]; Questions, page 13, [0173]; page 13, [0174]-[0210]; page 14, [0212]).

6. As to claim 3, Horvitz discloses determining the purpose of at least one of the

plurality of messages by extracting the indicia therefrom (page 14, [0219]).

7. As to claim 4, Horvitz discloses determining the purpose of each of the messages by extracting indicia of such purpose from a body section of each message (filtering messages; page 9, [0100]; category classification, binary features values; page 12, [0120]).

8. As to claim 5, Horvitz discloses determining the purpose of each of the messages by extracting indicia of such purpose from a header section of each message (information in a message header; page 12, [0125]-[0142]).

9. As to claim 6, Horvitz discloses at least one of the messages is an electronic mail message (email; page 2, [0017]).

10. As to claim 7, Horvitz discloses wherein the purpose determined for each of the messages is selected from at least one of a note, an acknowledgement, a counter, a reverse counter, a complete, a commit, an acceptance (saving or opening messages; page 5, [0071]), a decline (deleting message; page 5, [0071]), an offer, an invitation (arrange a meeting, like to invite, page 13, [0159]-[0168]), a withdrawal, an opt-out, a request (Indications of Personal Requests, page 13, [0174]-[0182]), and a question (Questions, page 13, [0173]).

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11. As to claim 8, Horvitz discloses wherein the pattern in the messages corresponds to one of a frequency of interaction (page 2, [0011], lines 14-16; frequency counts, page 12, [0120], lines 10-13), a latency in response (monitoring keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted; page 5, [0071]), a latency in completion, a successful completion ratio, a nonresponsive ration, an unsuccessful ration, and a number of participating members until completion.

12. As to claim 9, Horvitz discloses analyzing the purpose for each of the messages to determine the pattern in the messages (page 5, [0071]; page 13, [0174]-[0210]; page 14, [0212]-[0223]; messages are read first, and lower-priority messages are reviewed later, and/or deleted; page 14, [0225]).

13. As to claim 10, Horvitz discloses classifying the purpose for each of the messages as one of a favorable (messages can be classified as high degrees of importance; page 4, [0062], lines 10-13; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]), unfavorable (non-importance, junk, mail; page 1, [0004], lines 14-15; messages can be classified as low degrees of importance; page 4, [0062], lines 10-13; junk email; page 14, [0212]-[0218]), and neutral type (messages can be classified as medium degrees of importance; page 4, [0062], lines 10-13).

14. As to claim 11, Horvitz discloses assigning a score to each of the members of

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the social network participating in the dialogue (priority setting; 124, fig. 2; messages are classified as high, medium, low or other degrees of importance; page 4, [0062], lines 1-13; page 7, [0080]; [0084], lines 10-13), the score assigned to each participating member being based at least in part on the purpose determined for each of the messages transmitted by that participating member (page 4, [0062], lines 13-19; [0066]; page 7, [0081], lines 7-13).

15. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. As to claim 13, Horvitz discloses repeating each of the steps in claim 1 for a plurality of dialogues between the members of the social network (classifier is periodically refined by training...; page 14, [0225]).

17. As to claim 14, Horvitz discloses using the scores and characterized relationships of the members to select members of a new social network (structural relationship between the user and the sender; page 2, [0015]; To: Field, recipient information; page 12, [0128]-[0131]; From: Field, sender information; page 13, [0132]-[0141]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]).

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18. As to claim 16, it is rejected for the same reasons set forth in claim 2 above.
19. As to claim 17, it is rejected for the same reasons set forth in claim 4 above.
20. As to claim 18, it is rejected for the same reasons set forth in claim 5 above.
21. As to claim 19, it is rejected for the same reasons set forth in claim 6 above.
22. As to claim 20, it is rejected for the same reasons set forth in claim 7 above.
23. As to claim 21, it is rejected for the same reasons set forth in claim 8 above.
24. As to claim 22, it is rejected for the same reasons set forth in claim 9 above.
25. As to claim 23, it is rejected for the same reasons set forth in claim 10 above.
26. As to claim 24, it is rejected for the same reasons set forth in claim 11 above.
27. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



28. As to claim 26, it is rejected for the same reasons set forth in claim 13 above.

29. As to claim 27, it is rejected for the same reasons set forth in claim 14 above.

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Horvitz, patent 6,553,358, Abu-Hakinma et al, 2003/0020749, Kirsch et al, patent 6,772,196, Aronson et al, patent 6,654,787 disclose a method and system for filtering e-mail messages based on user activity, user preference, or user behavior.

Takkinen et al, CAFÉ: A Conceptual Model for Managing Information in Electronic Mail, IEEE, 1998.

Robert M. Losee, Jr, "Minimizing Information Overload: The Ranking of Electronic Messages", Journal of Information Science, June 28, 1998.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-

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872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JWC

March 30, 2005